THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4635 of 2007

12.3.2007

Between:

M.Mahender, S/o.Kistaiah

… Petitioner

AND

The Mandal Revenue Officer, Peddamandadi,
Mahaboobnagar District
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4635 of 2007

ORDER:

The petitioner is statedly grandson of Munagala Kurmaiah, who was owner of land admeasuring Acs.4.34 gts (out of Acs.38.34 gts) in survey Nos.205, 206 and 213 situated at Kanumanur village of Peddamandadi Mandal in Mahaboobnagar District. It is alleged that he also was assignee of land admeasuring Acs.2.01 gts in survey No.215/6 and Acs.0.22 gts of dryland in survey Nos.146, 147 and 148. His name was recorded as pattadar. After death of Kurmaiah, petitioner's father, Bala Krishna, succeeded to the property. When there was a dispute between Bala Krishna and third respondent, who claim to be a son of Munagala Kurmaiah, there was a village panchayat in which a compromise was effected on 11.5.1986 giving equal share to each of them. The petitioner alleges that since then he is in possession of land admeasuring Acs.3.27 gts (half share in Acs.7.17 gts). After death of the father in 1995, when third respondent got his name mutated illegally, the petitioner approached the village elders and again there was a settlement on 04.5.2006. The son of the third respondent developed grudge against the petitioner as he refused to sell the land. He made attempts to sell away petitioner's lands taking advantage of mutation in favour of third respondent. Therefore the petitioner statedly made a representation dated 02.2.2007 to the first respondent requesting mutation of the name of the petitioner and others in respect of half share admeasuring Acs.3.27 gts in survey Nos.205, 206, 213, 215/6, 146, 147 and 148, in vain. Apprehending that the son of the third respondent might register the sale deeds in respect of the property in possession of the petitioner and others, he seeks a writ of Mandamus directing the first respondent to dispose of the matter expeditiously.

Learned Assistant Government Pleader for Revenue (General-T) points out that the petitioner made application dated 02.2.2007 which was received by the first respondent on 03.2.2007. He also submits that in a case like this direction cannot be issued to the Mandal Revenue Officer (MRO), Peddamandadi Mandal, to dispose of the said representation. He placed reliance on a judgment of this Court in **Mir Fazle Ali Nasiri v State of A.P.**[1].

There is no dispute that the representation made by the petitioner for mutation was received by the first respondent. Even before any action is initiated, the petitioner rushed to this Court seeking a writ of Mandamus to apply the ratio in **R.S.Murthy v Joint Collector, East Godavari District, Kakinada**[2]. This Court is not inclined to grant such a direction to the MRO. The petitioner may have to pursue the matter with the MRO and if any grievance is there he may approach the District Collector.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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March 12, 2007 (**V.V.S.RAO,J**)
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[1] 2007(2) ALD 3
[2] 2001(4) ALT 337 (DB)